

SERVICE DATE – JULY 5, 2019

SURFACE TRANSPORTATION BOARD

Docket No. AB 1107X

WEST MICHIGAN RAILROAD CO.—ABANDONMENT  
EXEMPTION—IN VAN BUREN COUNTY, MICH.

Decided: July 3, 2019

On November 8, 2018, the Michigan Department of Natural Resources (MDNR) filed a request for an extension of the interim trail use/rail banking negotiating period under the notice of interim trail use or abandonment (NITU) issued for 8.92 miles of rail line in Van Buren County, Mich. (the Line). That request was supported by West Michigan Railroad Co. (WMI), the owner of the Line, and opposed by the National Association of Reversionary Property Owners (NARPO). By decision served on May 10, 2019, the Board granted the request to extend the time to negotiate interim trail use/rail banking to May 11, 2019.<sup>1</sup>

On May 14, 2019, MDNR filed a request for an extension of the interim trail use/rail banking negotiating period for 180 days, until November 7, 2019. On May 21, 2019, NARPO filed a petition for reconsideration of the Board's May 10, 2019 decision. On June 25, 2019, WMI filed a letter stating that it does not object to MDNR's request for an extension.

Because WMI is willing to continue negotiating for trail use with MDNR, the request to extend the negotiating period under the NITU will be granted, and the negotiating period will be extended to November 7, 2019. This decision does not reflect or presuppose any particular resolution of the pending petition to reconsider the Board's May 10, 2019 decision.

It is ordered:

1. MDNR's request to extend the negotiating period under the NITU is granted, and the negotiating period is extended to November 7, 2019.
2. This decision is effective on its date of service.

By the Board, Allison C. Davis, Director, Office of Proceedings.

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<sup>1</sup> In that decision, the Board also waived the provision of 49 C.F.R. § 1152.29 that would result in the expiration of the authority of WMI to abandon the Line.